



Welcome to the first Spring edition of IP Connect in 2015. For the IPO, 20th March marked not only the Spring equinox, but also the day on which we finished our work to prepare our 2015-18 Corporate Plan and set the printers rolling ahead of the plan's public debut on 23rd March. Looking into the detail, readers will see an undimmed determination to deliver an environment in which IP is understood, used effectively to drive growth and supported by world leading rights granting services. We have set ourselves testing targets

- completing preparations for the implementation of the Unitary Patent

Court, a major digital transformation of our business, refreshing our enforcement strategy and connecting with more and more businesses are just some of the things that will keep us busy.

All that we do will be geared to our central purpose of making life better by supporting UK creativity and innovation. Everyone should understand that they have an opportunity to use and benefit from IP - from rights holders, business users of those rights to end consumers. Here at the IPO we are dedicated to giving everyone the confidence to make best use of their IP not only by providing a reliable legal framework, but also through education, by providing meaningful rights and by giving consumers the sense that IP also works for them. It is a challenging mission, but I'm convinced that we will get there. Sometimes we will need your help to get things right and achieve maximum impacts. IP Connect will keep you up to speed with everything we do and where your input can make the difference.

If there are things you'd like us to pick up in future editions or feedback on what you see here, do get in touch [clicking here](#).

Rosa Wilkinson, Director of Innovation and Strategic Communications

IPO Corporate Plan Published

The IPO has published its new [Corporate Plan for 2015-18](#). This sets out our priorities for the next year. Our focus is on continuous improvement to the UK's already highly-regarded IP regime. For the IPO it is key that we remain committed to delivering on stretching targets and priorities across our six strategic goals, which encompass the quality of our rights granting services; our policy development; and supporting and educating businesses, consumers and, of course, our own people.

Let's discuss the IPO Five Year Strategy

Not being content with focussing just on the immediate future, this week the IPO has also issued a [discussion paper on our next five year strategy](#) (25 March). Although the current five year strategy nominally runs until the end of next year (2015/6), we began work to refresh the strategy early, due to the rate of change in the business environment for IP. The discussion paper is our early thinking on our strategic ambitions and we are gathering feedback to help us further refine and

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prioritise our activity. We are interested in all observations, but the discussion paper does list some specific questions around the outcomes, their urgency, measuring success, what further opportunities or threats exist and of course spending. Once we have assessed contributions, we will begin work on finalising the strategy and expect to issue something in the autumn.

Business Support

New toolkit launched to help businesses exploit their Intellectual Property

British businesses are to benefit from a new '[IP Finance](#)' toolkit, advising how to understand better and present the value of their Intellectual Property (IP) to potential lenders. Developed by the UK Intellectual Property Office (IPO), it will support small businesses to use their intellectual property assets to secure the finance they need for company growth.

IP Minister Baroness Neville-Rolfe launched the new toolkit at the [Managing Intellectual Property International Patents Forum](#) in London on 10 March. She said: "The UK now invests more in ideas and brands than factories or machinery. Small businesses are the economic bedrock of the UK and it is vital that we help them exploit their IP to secure appropriate finance and grow.

"Too often businesses and lenders do not fully identify and value the IP they have. It is essential that we continue to create the right environment for businesses to flourish so we can benefit from their creative designs, inventions and ideas. The IP Finance toolkit is an important step towards businesses making the most of their IP."

The toolkit has been developed to:

- Help lenders and businesses talk the same language when understanding the value of IP
- Encourage and guide businesses to document their IP assets ahead of any application for finance
- Help businesses to develop more effective IP management and commercialisation strategies
- Raise awareness of the wide variety of finance options available for IP-rich businesses.

The 'IP Finance Toolkit' has been created with industry and the financial services sector in response to the "Banking on IP? The role of intellectual property and intangible assets in facilitating business finance" report. The report, published in October 2013, sought to examine how effectively SMEs are able to use their intellectual property assets to secure the finance they need for their business's growth. It highlighted barriers faced by IP-rich businesses seeking debt finance.

International

UK Businesses protect £400 million of intellectual property assets with help from international network of IP Attachés

New figures show that UK Intellectual Property (IP) Attachés have protected more than £398 million worth of UK IP assets and helped thousands of British businesses in some of the world's most challenging and fast growing markets.

The UK Intellectual Property Office's four attachés based in China, India, Brazil and South East Asia have, since 2011, helped 8,400 businesses through around 350 outreach and education workshops. A further 537 firms have received direct practical support, helping them to handle issues and protect investment.

IP Minister, Baroness Neville-Rolfe, revealed these statistics to an international audience at the Taylor Wessing Brands Forum that focuses on global IP regimes and brands licensing.

IP Minister Baroness Neville-Rolfe said: "Boosting trade is key to our continued economic growth. But operating and investing overseas can be a difficult and daunting process. The attachés help British businesses navigate new markets. They are a key international asset when it comes to helping business protect their IP.

"By building effective relationships with IP authorities in emerging markets, and intervening on specific issues, their work is helping to influence the shape of UK trade and protect IP assets worth millions of pounds to the UK economy."

Roland Mallinson, partner in the intellectual property group at Taylor Wessing, said: "The UK's intellectual property regime is world leading, as the Taylor Wessing Global IP Index shows. These figures make for fantastic reading and show the great work that the IP Attachés do, helping British businesses succeed in four hugely important markets and promoting international trade with the UK."

Recent figures show an increase in the number of UK SMEs seeking advice from the UK's Attaché network and the [EU-funded IP rights SME Helpdesks](#) in South East Asia, China and Latin America. They show that:

- In 2014 alone, 55 UK SMEs have received support from the China IPR Helpdesk;
- 32% of enquiries to the ASEAN IPR Helpdesk since May 2013 have come from UK SMEs. In China, 18% of all enquiries received between 2008 and 2014 are from UK companies - double the number of enquiries from the next placed EU Member State which is Germany with 9%.

These Helpdesks provide "first-line" advice on the management, protection and enforcement of intellectual property rights in three of the world's leading growth markets for UK SMEs. They complement the [UK's IP attaché network](#) to provide an all round service for UK businesses.

Attaché News

India

IP Attaché – India

Vijay Iyer was recently appointed as the IP attaché for India and joins the IPO's international attaché network spanning India, China, Singapore, and Brazil. He is based in the British Deputy High Commission Mumbai. Vijay visited the London and Newport offices of the IPO in early March. Through this visit, he was able to meet with the colleagues from various sections of the IPO as well as several external stakeholders. In his role, Vijay will engage with the Indian policymakers, provide support to UK business in India, and implement IP related projects. Read more about his profile and visit [here](#).

UKIBC webinar: ACCESS INDIA: Protecting your Intellectual Property in India

Our IP Attaché in India Vijay Iyer will be presenting the UKIBC webinar: ACCESS INDIA: Protecting your Intellectual Property in India on 26th May at 10:00 GMT.

Large and fast growing emerging markets, such as India, pose unique challenges for UK companies. In particular protecting your Intellectual property requires careful planning and robust internal procedures.

In the next 30-minute 'Access India Advice Session', experts from the Intellectual Property Office will give practical advice to UK businesses on what steps they need to take to register and protect their Intellectual Property in India.

Benefits of attending include:

- Expert advice on doing business in India
- Overview of Intellectual property challenges in India
- Advice on how to protect you IP in India
- Opportunity to ask your questions

Register now: <https://attendee.gotowebinar.com/register/2204788358830888962>

If you would like to send your questions for our India experts now, please email events@ukibc.com with subject as 'IP Challenges'.

John Alty visits ASEAN region to talk IP

As ASEAN becomes a highly valued trade partner for the UK, we want to create business environments that support two way trade. In support of this work, John Alty, accompanied by Adam Williams and Lizzie Dixon from our International Policy team undertook a whirlwind tour of ASEAN last week supported by our IP attaché Christabel Koh. The visit incorporated Indonesia, Brunei (where they met with all 10 ASEAN IP Offices) and finally Singapore, to coincide with the GREAT British week, focusing on innovation, creativity and education.

During the visit the delegation heard about developments in IP systems and practical issues facing businesses operating

in ASEAN. They also discussed areas where the UK can support the improvement of regional IP frameworks, not least through the ASEAN Working Group on IP Cooperation (AWGIPC)



John also discussed the importance of making it easy for research to move from universities to businesses without tripping over IP and highlighted the work the UK had done in this area. The establishment of the Newton Fund provides an additional opportunity to promote Lambert style

agreements in countries such as Indonesia and Thailand in particular.

Finally, in Singapore, some 250 attendees participated in interactive panel discussions on emerging IP issues, the role of stakeholders to overcome those challenges and assistance available for businesses. The IPO launched new IP factsheets and videos for UK businesses looking



to export to the ASEAN region and an information factsheet for ASEAN businesses looking to export to the UK to enable them to navigate our IP system. We hope that with these factsheets we can facilitate some two way trade between the UK and ASEAN in the future.

The region is not without challenges but the recent visit demonstrated that this is an area that is not standing still when it comes to IP improvements. The UK is well regarded in the region and there is plenty of potential for us to support the countries in their ambitious plans. We will look to continue to work collaboratively with countries in the region and the AWGIPC to build robust international IP frameworks that support local and UK businesses and build knowledge economies that deliver prosperity and strength.

CBI Beijing Office annual China IP briefing



UK IP attaché Tom Duke gave a briefing on IP in China to the Confederation of British Industries (CBI) in Beijing. This was the fourth edition of this annual event held just

after each Lunar New Year in the British Ambassador's Residence.

The briefing covered the main IP trends to watch out for in 2015, highlighting the impact of new provisions in the Chinese Trademark Law on bad-faith trade mark applications and the effect of the new specialist IP courts established in China at the end of 2014.

British Film Institute - IP & film in China

The British Film Institute (BFI) led a delegation of British film producers and companies to China to participate in the GREAT Festival of Creativity, opened by the Duke of Cambridge. The BFI programme included a session on IP & Film in China hosted by UK IP Attaché Tom Duke.

The session covered key steps that can be taken to protect ideas during creative collaborations with Chinese partners – including the use of Non Disclosure Agreements (NDAS) with non-use clauses during early-stage discussions. The meeting also discussed ongoing Chinese Copyright Law revisions (which will significantly change protection of audio-visual works in China) and the impact on piracy of a lengthened censorship clearance process for online content

Scotch Whisky & Geographical Indications in China

The Scotch Whisky Association (SWA) is the guardian of the SCOTCH WHISKY brand and has seen strong improvements in intellectual property protection in China in recent years. Counterfeit volumes have reduced but as Scotch Whisky's popularity continues to grow in China there are also increasing challenges. The IPO supported a visit from the SWA's IP Counsel to China to meet with key Chinese government counterparts responsible for Geographical Indications (GIs) and trade marks to build on previous cooperation achievements. China now provides protection against all 3rd party applications involving the GLEN prefix and the SWA hopes to extend this to other Scottish signifiers.



This success has [been publicised by the SWA](#) as global best practice. The visit also included the 9th UK-China IP Salon. With an audience of over 150 academics, officials and IP experts there was an in-depth discussion of

registration of GIs and post-registration protection in both the UK, EU and China. The SWA will return to China later in 2015.

Designs

Designs opinion service will help SMEs with IP disputes- consultation

Businesses are set to benefit from a new service, proposed by the Intellectual Property Office, offering non-binding opinions on issues relating to registered and unregistered designs and discussed in [a new consultation](#) out earlier this month.

The IPO are seeking views on the merits of a service offering opinions on whether a design infringes the rights in someone else's design, and whether rights actually exist in a particular design.

An opinion, although non binding, can assist in resolving a dispute before it escalates into full litigation before the courts.

Even when litigation is unavoidable, an opinion can help the parties to better focus their cases and thus save time and money.

The consultation seeks comments on the processes governing the Design Opinions Service. It includes a draft of the legislation which sets out how to request an opinion, as well as the forms used to instigate a request.

Announcing the consultation at the ITMA Spring Conference, IP Minister Baroness Neville Rolfe said: "Businesses with limited time and money at their disposal often find it difficult to make an informed decision on whether to enforce or protect a design right.

"In contrast to getting legal advice, an opinion is based on submissions from both sides to a dispute. This service will give businesses more options on how to decide what to do prior to undertaking often costly legal proceedings."

Chris McLeod, president of the Institute of Trade Mark Attorneys, said: "We're seeing steady growth in the registrations of trade marks and designs, as well as demand for expert advice for tackling disputes cost-effectively. In the modern British economy, an ever greater portion of business capital is made up by intellectual property – especially the intangible assets of trade marks and designs.

"Growing businesses need to protect their investments, so the traditional process of design and trade mark registration will always be necessary – as will the occasional trip to court when serious disputes inevitably arise. But in many cases a preliminary review of the evidence would be helpful, particularly for smaller businesses. Opinions do not have to be legally binding to add substantial value.

"For that reason we expect the Designs Opinion Service to act in parallel to the professional support and advice of registered trade mark attorneys – and it should act as a preliminary point of contact for those who may need to engage the services of our members."

The time periods associated with the service, and the relatively limited scope for parties to file submissions mean that it would be inappropriate for opinions to be binding.

Feedback from users of the existing [Patent Opinions Service](#) suggested extending it to cover other forms of IP, and respondents to a subsequent consultation on designs welcomed the introduction of a similar service specifically for designs.

The consultation started on the Thursday 19 March 2015 and closes on Tuesday 19 May 2015. The draft rules should not be a surprise to the IPO's users – they reflect those already in place for the Patent Opinions Service, as well as information provided to Parliament during debates of the IP Act.

The IPO intends to publish a summary of responses to the consultation within three months of the closing date, and to lay the rules in Parliament in time for commencement in October 2015.

Enforcement

PIPCU shutdown illegal music site karaoke-world.co.uk



Detectives from the Police Intellectual Property Crime Unit (PIPCU) [shutdown](#) an illegal UK karaoke website (www.karaoke-world.co.uk) (11 March 2015) following a referral from PRS for Music, a membership organisation that represents the rights of songwriters, composers and music publishers in the UK.

The unlicensed BitTorrent site directed users to a catalogue of tens of thousands of copyrighted music files, in particular the latest chart music and karaoke hits.

Like most BitTorrent trackers, the site had rules for its members to abide by. One of the rules required users to immediately 'seed' files, which means to upload any file they have downloaded so that others can download it too. If a file is not seeded for more than 24 hours, the user was deemed as a 'Hit and Run' and their account was disabled.

The music service also offered VIP memberships for users of the website, which ranged from £5.00 to £90.00.

PIPCU detectives arrested the man believed to be behind the website at a police station in Dewsbury. Head of PIPCU, Detective Chief Inspector Danny Medlycott said, "The public needs to be aware that by accessing sites like this, they are putting money directly in the hands of criminals, which often then funds other serious organised crime, as well as putting their own financial and personal details at risk of being compromised and used for other fraudulent scams.

"These websites are stealing from the creative industries that employ thousands of people and PIPCU will continue to work closely with our partners to tackle the criminals behind these sites and bring them to justice."

Simon Bourn, Head of Litigation, Enforcement and Anti-Piracy for PRS for Music said "The livelihoods of songwriters represented by PRS for Music, both within the UK and internationally, and of all those who contribute to our rich and diverse creative community, are underpinned by fair licensing and the protection of copyright.

"PRS for Music's Anti-Piracy Unit is committed to actively pursuing those who use our songwriters' and composers' repertoire without permission, particularly the operation of online music services without the necessary licensing. The unit's dedication in this case, involving careful investigative support which it provided to the police, ensured that an unlicensed UK-based BitTorrent music service for karaoke was located and closed down."

Man arrested for illegally uploading ultimate fighting and wrestling content

A man believed to be one of the internet's biggest illegal uploaders of World Wrestling Entertainment (WWE) and Ultimate Fighting Championship (UFC) content was arrested by detectives from the Police Intellectual Property Crime Unit (PIPCU).

The 55-year-old suspect was arrested at his home in Coalville, Leicestershire by officers from the City of London Police unit on 18th March.

The man is believed to be one of the internet's biggest offenders for illegally uploading copyrighted wrestling and mixed martial arts content to peer-to-peer and user generated content sites and is responsible for uploading more than 3.2 terabytes of data, which is the equivalent of more than 3,000 videos.

It is estimated these files have had more than 2 million downloads and been shared thousands of times, which is costing the industry millions of pounds.

The suspect's home was searched and several computers were seized before he was taken to a local police station for questioning.

DCI Danny Medlycott, Head of PIPCU, said, "Today's operation serves as a clear warning to anyone thinking of uploading copyrighted material to pirate sites. This is not a victimless crime as copyright infringement is costing our creative industries hundreds of millions of pounds.

"Our team is dedicated to combating criminals ripping off other's intellectual property and so those who are thinking of taking this path should think twice, as it might result in a knock on the door from our officers."

Jim Langham, WWE Senior Vice President & Assistant General Counsel said "WWE is extremely thankful for PIPCU's attention to this matter. WWE provides many options for our fans to watch our content lawfully – on television, pay-per-view, and digitally via YouTube and the WWE Network. We will continue to protect our intellectual property aggressively and combat piracy in any form."

UFC Chief Legal Officer Kirk Hendrick said: "The UFC organization hopes this investigation and arrest by PIPCU will result in a significant decrease in the illegal online distribution of our intellectual property and broadcasts. We take online piracy very seriously and will continue to work with law enforcement officials around the world to prevent illegal sharing of UFC content."

ERE publications

Online copyright crime could mean ten years in jail

People who break copyright law on the internet should face up to ten years in prison, the same penalty as those who commit copyright crimes offline.

The recommendation was made as part of an independent study, *Penalty Fair?* published 4th March 2015 by the UK Intellectual Property Office (IPO). The study can be found at: <https://www.gov.uk/government/publications/penalty-fair>

The study recommends that the disparity in sentencing between online and offline copyright crime should be removed. Currently, pirates committing copyright crime in the digital world face a maximum prison term of two years, while offline offenders face a maximum of 10 years.

The Government welcomes this report and will now consider the findings of the report in full. We obviously see the value in independent evidence gathering, analysis and review to aid best practice in policy making.

This study was commissioned by the IPO to provide an evidence-based view on whether the criminal sanctions for copyright infringement available under the Copyright, Designs and Patents Act 1988 (CDPA 1988) are proportionate and utilised. The research gathers quantitative data from 2006-13, qualitative views and evidence from stakeholders.

The independent study 'Penalty Fair?' provides independent evidence recommending harmonisation of online and offline copyright infringement penalties. It was carried out by Martin Brassell FRSA and Dr Ian Goodyer of Inngot Limited.

This study gathered quantitative data from 2006-13 and qualitative views and evidence from business and interest groups to set out the arguments for and against any change in the law.

Making this change would move the offence into the category of serious arrestable offences under the Serious Organised Crime and Police Act 2005. The authors believe that this would facilitate domestic and international action being taken against the worst offenders.

<https://www.gov.uk/government/publications/patent-harmonisation-us-uk-study-on-grace-periods>

Patent Harmonisation: US & UK Study on Grace Periods

The IPO's Economics, Research & Evidence team commissioned research into grace periods which was published this month. A cross section of patent users were interviewed in the UK and the US to better understand how they operate in a systems with or without a grace period. The experiences and opinions we have gathered will be used to inform the ongoing debate on patent law harmonisation.

Copyright and the Value of the Public Domain

The report, *Copyright and the Value of the Public Domain*, commissioned by the IPO, and carried out by researchers at Glasgow CREATE Centre looks to define, and provide an empirical assessment, of the Public Domain. The study has several interesting findings, including showing that use of public domain materials were significantly associated with higher likelihood of project success on crowdfunding platforms such as Kickstarter. It also shows that Wikipedia pages with public domain images attracted 17-19% more visitors than pages where no image was available.

The research will inform future policy thinking and provides new evidence to support the argument that material in the public domain has value.

3D Printing - full report published

The IPO has published the [full report of a two-part study: A Legal and Empirical Study into the Intellectual Property Implications of 3D Printing](#), undertaken by Bournemouth University and Econolyst. This provides insight into the IP implications of 3D printing and examines the extent of the use of 3D printing within online platforms and selected industrial sectors. It also undertakes legal analysis, with an emphasis on copyright law in this area.

The research finds that the legal position under copyright law is uncertain. In particular when creating a design file, modifying existing CAD files, or scanning products. It found that 3D printing raises a variety of issues relating to Intellectual Property Rights (IPRs), but also made clear that challenges posed by 3D printing are unlikely to materialise for some time.

The report also provides a series of recommendations to government, intermediaries and industry. A recurring message was the need to raise awareness, education and further understanding of the IP implications of additive manufacturing. This is a potentially disruptive technology and the Government will keep this issue under close scrutiny.

UPC update

Preparatory Committee

The next Preparatory Committee meeting will take place on 5 May 2015. Ahead of that the Chairman has called two separate meetings of all Working Group Co-ordinators; the first of which will take place before the end of March and the second one in April. This is a necessary step to ensure

all business is covered over this busy period. In addition to the preparation of the court fee structure consultation, work has now begun on the structure and operating model of the court and also on judicial salaries.

A full recording of the oral hearing from last November on the draft Rules of Procedure is available [here](#).

Governance

The Project Board met on 25 March to discuss progress on the judicial package and the upcoming fees consultation.

IT

The Invitation to Tender was issued on Monday 16 March. A total of 14 companies were successful at PQQ, with seven successful bids on each of the lots (Case Management System, Hosting and Website).

The IT team's focus over the coming weeks will be answering questions and hosting a number of clarification meetings with the suppliers. The ITT stage will last until June. As with the prototype, the team are also planning a number of workshops demonstrating the solution with users, these are expected to take place in the autumn.

Our technical lead has also been investigating the options for two factor authentication, speaking with industry suppliers on the specifics of their solutions.

The Working Group met on Wednesday 18 March for a progress update and discussed the PQQ evaluation.

Facilities

The Facilities Working Group has proposed a joint meeting with the IT Working Group to discuss IT infrastructure requirements and minimum standards for the divisions of the court. This builds on work proposed by the IT Working Group outlining possible example solutions.

Linked to this, we are scoping furniture and ICT requirements for the London location and looking to HMCTS for their experience of digital courts.

Legal

A reminder that a Summary of Responses to our Technical Review and Call for Evidence has been published on the IPO website and is available to read here: <https://www.gov.uk/government/consultations/secondary-legislation-implementing-the-unified-patent-court>

We are waiting for the next meeting of the Working Group focusing on the Rules of Procedure to be announced. We understand the Expert Drafting Group are currently discussing the rules, and anticipate that the next meeting will be announced soon.

Finance

We hosted a meeting of the Sub-group tasked with developing the fee structure and consultation in London on Wednesday 18 March. Discussion focused on SME support and the impacts of the cost modelling on the fee structure. It remains the Chairman's priority to have the consultation launched after the next Preparatory Committee.

HR & Training

The Project Board will consider the judicial package at its next meeting. At European level progress on this workstream is largely dependent on the outcome from the meeting of the working group co-ordinators. Once a collective understanding is reached, then a joint meeting of the HR & Finance working groups will be needed ahead of any proposals to the Preparatory Committee. This is not expected at the May meeting but is likely to be before the summer break.

Unitary Patent

The Select Committee met on the 23 and 24 March to continue work on the level of renewal fees. We will report on the meeting in the next update.

Communiqués of the Select Committee meetings are available on the EPO website at: <http://www.epo.org/about-us/organisation/communiques.html>

Research

Our case counting report was published Thursday 19 March and can be accessed at: <https://www.gov.uk/government/publications/examining-patent-cases-at-the-patents-court-and-ipec-2007-2013>

The report examines the number of patent cases litigated at the Patents Court and the Intellectual Property Enterprise Court between 2007 and 2013. It focuses on the number of European patents litigated at these courts, as these patents will fall under the UPC's jurisdiction unless they are opted out of the system.

Other factors the report considers include:

- The types of claims filed
- How often SMEs are parties in litigation
- The industrial sectors European patent cases fall into.

Useful documents

A reminder that there is a helpful '[plain English](#)' guide on the [UPC](#) website for those that want to avoid the legal jargon:

Customer Visit Programme

The IPO has published the annual report on the activities of the [Customer Visit Programme for 2014](#). Over the year the programme visited 21 attorney firms and held events for Scottish attorney firms in Glasgow and an event in London for Small Attorney Firms and Sole Practitioners in London.

The Visit Programme is a valuable tool for the IPO as it allows to not only highlight new services and procedures but also to get the views of our customers in how we develop new services especially in the digital age. The online patents renewal service is a great example of this collaboration resulting in a system that benefits both our customers and the IPO.

IP Events

Click [here](#) for a list of forthcoming IP events which may be of interest to you or your clients/members.

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The IP Health Check is one of our free '[IP for Business](#)' online support tools. It provides you with a tailored confidential report based on your answers to a series of simple questions. The report includes a list of

action points to help you protect and exploit your IP rights, guidance on how to put these into practice and links to useful information, websites and other resources.

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